

PATENT
03-0140 US01REMARKS

With entry of this amendment, claims 12 and 15-17 have been cancelled, and claims 22-25 have been newly added. As a result, claims 1-11, 13, 14, and 18-25 are pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1-5, 7-10, 13, 14, and 18-21 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,529,775 issued to Whitebrook, et al. ("Whitebrook"). Applicant respectfully traverses this rejection, since Whitebrook does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to include "an ablation electrode element configured for being positioned adjacent a target tissue region, wherein electrical energy conveyed from the ablation electrode element to the ground electrode element ablates the target tissue region without ablating the solid tissue adjacent the ground electrode element." Independent claim 19 has been amended to include "conveying electrical energy between the ablative electrode element and the ground electrode element, wherein the target tissue region is ablated and the solid tissue adjacent the ground electrode element is not ablated."

In contrast, the heating system of Whitebrook does not have an ablation electrode element and does not disclose a step for ablating a target tissue region. As such, Applicant submits that independent claims 1 and 19, as well as the claims depending therefrom (claims 2-5, 7-10, 13, 14, 18, 20, and 21), are not anticipated by Whitebrook, and as such, respectfully request withdrawal of the §102 rejections of these claims.

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03-0140 US01Claim Rejections-35 U.S.C. §103

Claims 6 and 11 stand rejected under 35 U.S.C. §103, as being obvious over Whitebrook. Applicant respectfully traverses this rejection, since Whitebrook does not disclose, teach, or suggest the combination of elements required by these claims. In particular, as previously discussed, Whitebrook does not disclose an ablation electrode element, as required by independent claim 1 from which these claims depend.

Thus, Applicant submits that claims 6 and 11 are not obvious over the Whitebrook, and as such, respectfully request withdrawal of the §103 rejection of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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